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ABSTRACT

This paper documents the racial and cultural diversity of the Southwestern United States, with emphasis on the persistence of Spanish language and culture. A historical review reveals the human realities underlying the confluence of Spanish and English in this region of the country. Four prevalent misconceptions of the effects of bilingualism are explored and corrected, and bilingual education is defined. In pointing out the need for increased bilingual education, the government role as a measure of commitment to this goal is examined. (Author/DM)

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BILINGUALISM FOR TEXAS: EDUCATION FOR FRATERNITY

Prepared at the Request of the Division of Education of
The Texas Conference of Churches
by
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I. Our Cosmopolitan Environment

The Southwest is the most cosmopolitan region of this nation. No other area of the United States encompasses a wider diversity of races, religions, and national origins, or a greater variety of cultural development of the people who belong to them. California, Colorado, Arizona, New Mexico, and Texas contain together some of the largest groups of American Indians, virtually all U.S. Indians of hispanicized heritage and of Mexican origin, four - fifths of those whose Spanish surnames are this nation's uninterrupted link of four centuries to the legacy of Spain and Mexico, the largest groups of Orientals in the continental United States (two-thirds of the Japanese, two-thirds of the Filipinos, and over half of the Chinese), a third of the country's Asian Indians, Koreans, Polynesians, Indonesians, and Hawaiians, and some three million of the nation's blacks. As Professor Fred H. Schmidt states, "In the truest sense of the word, the region is cosmopolitan - its people belong to all of the world, and the ties of many with other parts of the world are still recent and unsevered, for here are found one-third of the nation's registered aliens."[1]

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Of course, what makes any cosmopolitanism functional rather than purely statistical is the survival of the language of each cultural group represented in the regional "cosmos" in coexistence with the lingua franca of the nation to which the region belongs. In this respect,

nothing contributes more to keeping the Southwest cosmopolitan than the persistent confluence of Spanish and English. Figures from a pre-Census survey of the Spanish-American population of the United States in November of 1969 reveal there were in this country 9,200,000 persons of "Spanish descent," not including inmates of institutions and members of the armed forces. Spanish was reported as the mother tongue of 6,700,000, despite the fact that 72.6 percent were U.S. born. More revealing even is that 4,600,000 reported Spanish as their current language, that is to say, their primary language in the home (even though more than 80% are U.S. citizens and a larger pe rcentage is quite likely able to use English for social, educational and occupational purposes with varying degrees of proficiency).

More than half of the 9,200,000 "Spanish-Americans" of the November 1969 pre-Census survey, were Mexican-Americans living in the Southwest. Nearly two million reside in Texas. Roughly one out of every five Texans is a Mexican-American. There are no recent published Census statistics to determine what percentage of Mexican-Americans in the Southwest (including Texas) would report Spanish first as the mother tongue and then as the home language. Based on inference from the pre-Census survey and other studies,[2] and on extensive empirical observation, we estimate 85% and 70% would report Spanish as the mother tongue and home language respectively. Let it be remembered we are dealing with a group overwhelmingly non-alien. Some 90% are U.S. citizens, whose ability to communicate in English ranges from faltering to glittering.

The persistence of Spanish in the Southwest may be fascinating or perplexing to non-Spanish speakers. Perhaps nothing clouds the understanding of this phenomenon more than the parallels drawn between Mexican-Americans and other so called "language minorities." All other language minorities ceased to be replenished with the end of heavy

immigration from the country of origin. More often than not immigrants left that distant country with no expectation or desire of ever resuming vital cultural ties with it. The ethnic enclave - with its concomitant survival of a foreign language - was seen, particularly from the second generation onwards, as a transitional stage in the process of assimilation within the unilingual national mainstream. The nation had quite early defined its pattern of cultural unity primarily in terms of the language, religion, folkways, and institutions of the dominant English-speaking Protestant founders and their descendants. There was no perversity in discouraging diversity. The youth and relative insecurity of the new republic virtually demanded a "melting pot" policy. This posed no insurmountable problem for those who could melt. It did create difficulties for others, ranging from annoying to intolerable, depending on how distant their difference was from the primordial founding community. That meant many would be regarded as less then American, and subject to permanent or protracted rejection, no matter how eagerly some sought to expiate for their unintentional deviancy.

II. The Grandeur and Misery of Difference

Against this background, the parallel between Mexican-Americans and other language minorities turns out to be no parallel at all. Rather, the contrast stands out. By the time the Southwest became U.S. territory following the military conquests of 1836 and 1846 - 48, Spanish had been the language of population centers for the previous three centuries. The region, though sparsely settled, was pervasively Mexican, a rich blend of Spanish and Indian culture. The "Anglo" conquest was traumatic. The native Spanish-speaking inhabitants, theoretically protected from cultural or economic depredation by local gentlemen's agreements and international treaty provisions, within two generations had been reduced to

hewers of wood and drawers of water. Their language, religion, skin-color - and above all their status as a conquered people - made them ineligible even for an invitation to the melting pot. They were by no means totally cut off. To be sure, social institutions left them little or no room to participate. But compassionate individuals in the dominant group, especially members of churches, mitigated their plight through numberless acts of friendship and redress. Others, less compassionate, found or created ways to capitalize on the enormous reservoir of cheap labor they constituted. It would be impossible to explain the existence of mining, railroad, cattle, sheep, and agricultural empires of the Southwest apart from the massive use of Mexican-American labor, often in conditions of virtual peonage.

Meanwhile, throughout the second half of the 19th century and the first third of the 20th, Mexico was intermittently convulsed by bloody social disorders. Mexicans headed north by the hundreds of thousands to the U.S. Southwest and by the thousands to the industrial cities of the Midwest. There, they were to swell the ranks of friends and relatives engaged in menial work. Bedraggled refugees could hardly enhance the image of a people long reduced to wretchedness. The massive infusion of steady arrivals did, however, immeasurably contribute to further Mexicanize the environment and to revitalize Spanish as the ongoing mother tongue of Mexican-Americans. A curious accomodation was made by the dominant Anglos, more instinctive than intentional. Since neither the Mexicanhood of the Mexican-Americans nor their language appeared to be on the wane, but quite the opposite, the unwelcome replenishment of their "foreignness" could be deflected to folkloric attraction. Accordingly, a spirited promotion of Mexican food, Mexican art, Mexican music, Mexican crafts, Mexican festivals got underway. This was happening precisely at the time when Mexican-Americans were frequently denied admission to public establishments, when

they had been driven to avoid as denigrating the self-designation Mexican in favor of Latin-American or Spanish-American, and when speaking Spanish in school halls and playgrounds was an offense punished with suspension, fines, after-school detention, or even corporal punishment. Incidentally, alarmed at the escalation of anti-Mexicanhood in Texas, and the refusal of Mexico to send her nationals to replace in the fields men now in uniform, the State Legislature was driven to enact formal legislation in May of 1943 recognizing the people of Mexican extraction as Caucasian, and entitling them to "whites only" public services.[3]

Ironically, it took a war, the Second World War, to create conditions more favorable to intercultural fraternity. Mexican-Americans earned the admiration of fellow Americans for their disproportionate record of casualties and heroism. No other ethnic or racial group earned a larger proportion of Congressional medals. The G.I. Bill provided heretofore denied educational opportunities for college careers. Many Mexican-Americans moved on to well-paid jobs formerly the exclusive preserve of Anglos. Vigorous associations came into being for the redress of cultural and civil rights. Many of the blatant barriers against Mexican-American participation in public life, particularly in social institutions, came down under Anglo initiative or Mexican-American attack, or both. There lingered, however, even among Mexican-Americans (especially "success" types of the immediate post World War II period) a definite discomfort about the continuing persistence of Spanish. A century of sustained anti-Mexicanhood had taken its toll in many ways, one being the suspicion that no Mexican-American could attain the sine qua non of true U.S. citizenship, mastery of English, until he ceased to speak Spanish.

In the meantime, Mexico and the United States, close allies in World War II, emerged

out of the conflict enjoying an unprecedented degree of friendship. Both made great economic strides in the ensuing decades. Immigration from Mexico, even though subject to no quota, slowed down considerably. However, the international border, never quite so much a boundary as a gateway for two-way traffic, registered booming crossing figures in both directions. In the year 1967 - 1968, the U.S. Office of Immigration reported 135 million crossings from Mexico to the U. S. It is estimated by this writer no less than 100 million were made from the U.S. to Mexico. Added to these astounding figures, the vibrant quest of Mexican-Americans for their long suppressed identity, the renaissance of Spanish among them and in institutions of higher learning, and the shrinking of the world into a multilingual global village - all make for a drastic questioning of the unilingual tradition of education in a bilingual, multicultural Southwest.

III. Bilingual Education: Misconceptions, Definition, Application

The foregoing historical review throws light, we hope, on the human realities underlying the confluence of Spanish and English in southwestern United States. When we deal with language we deal with life at its core. It is the means by which an individual decodes the meaning of his existence in the world and encodes his experiences for creative dialogue with others. Memory, affection, aspiration, reflection, anxiety, discovery, religion and a myriad of other personal experiences are mediated through language. There is no other path to self-awareness and self-disclosure. It is no coincidence that in the Bible nothingness and chaos are turned into creation and order by the Word and words. Man's dominion over the earth begins as a function of language, the naming of created things. The holiness of language is not a concept of cultural chauvinism. Rather, it is a fundamental notion of the Judeo-Christian tradition.

This brings us to the issue before us. Where two languages coexist, no matter how socially distant may be the respective communities which speak them, a unique human chemistry has been catalyzed. Neither community has remained untouched by the other. Certain commonalities of history, environment, style and perception have resulted. Some appropriate them at the superficial level of folklore, others at the more basic level of bi-culturalism. The former, quite probably unilingual, have a low ceiling of tolerance for difference. The latter, quite probably bilingual, possess a high appreciation for diversity. Prejudice, not inevitably but frequently, flourishes among the first. Fraternity, not automatically but naturally, thrives among the second. The magnanimity of Mexican-Americans in forgetting and forgiving present and past indignities is not due to any inherent nobility. Rather, it has to do with their enlarged ability as bilinguals to decode much of the motivational world of the dominant group. Conversely, Anglos who have earned the affection of Mexican-Americans have been able literally to "communicate" beyond the limitations of one language and one culture. Both exprience less discomfort with the culturally different at home and abroad than their unilingual counterparts.

Bilingualism, nevertheless, is still hindered among us by at least four quite prevalent misconceptions: 1) English cannot be mastered as long as the individual retains another language as the mother tongue. 2) Using two languages as mediums of instruction cause academic retardation and even psychological confusion. 3) The low educational achievement among Mexican-Americans is directly attributable to their retention of Spanish; 4) retention of a foreign language impedes the Americanization of those who speak it.

We might better deal with these misconceptions if we first define bilingual education. It is "instruction in two languages and the use of those two languages as mediums of instruction for any part of or all of the school curriculum. Study of the history and culture

associated with a student's mother tongue is considered an integral part of bilingual education."[4]

Let us now deal with the first two misconceptions. They are closely related. Mastery of English while retaining Spanish as the mother or home language has been accomplished by countless bilinguals in the Southwest, particularly if instruction in both languages began at an early age. The main reason why this fact is not readily apparent is that until 1963 it was a phenomenon confined to individuals. It was not an officially approved educational policy anywhere in the U.S.A. (except for schools in New Mexico throughout the second half of the 19th century following language educational provisions of the 1848 Treaty of Guadalupe Hidalgo). The heavy influx of Cubans into the Miami area led the Dade County Schools in 1963 to undertake a completely bilingual program in grades one, two, and three of the Coral Way School, with plans to move up one grade each year. There were equal numbers of English and Spanish-speaking children. Approximately half of the instruction was to be given in Spanish by Cuban teachers, and half in English by American teachers. Now on its seventh year, the program has proven an outstanding success. Children speak the second language with little or no trace of an accent, while being fully proficient in both across the gamut of all subject matter taught.

In 1964 a quite similar program was begun in the United Consolidated School District of Webb County, outside Laredo. As in Coral Way, half the children were English speakers and half Spanish-speakers. The teaching in English and Spanish in all elementary school subjects has been done by bilingual teachers who are native speakers of Spanish and fluent also in English. The results equal those of Coral Way, not alone in academic achievement, but also in intercultural fraternity. A recent evaluation of learning of mathematics in this program is additionally revealing. The achievement is greater for both Anglo and Mexican-American

children when the subject is taught bilingually rather than in English alone.

Convincing results from programs such as these and from others equally successful, though different in implementation, and in some instances with English and a language other then Spanish as mediums of instruction, greatly contributed to make possible enabling federal and state bilingual education acts. On January 2, 1968 the Bilingual Education Act, with bipartisan sponsorship led by Senator Ralph Yarborough, passed by the United States Congress (See Appendix A). On May 22, 1969 the 61st Legislature of the State of Texas passed unanimously a similar bill (See Appendix B). These legislative landmarks underscored bilingualism as a sound educational concept and committed the nation and the state to enlarge its dimensions.

Interestingly enough both bills dispell the misconception of possible retardation and confusion as a result of the use of two languages as mediums of instruction. The two pieces of legislation imply that non-English speakers will more readily attain mastery of the national tongue if they are first taught in the language of the home. Confirmation of this insight comes from a group of international experts gathered in Paris under UNESCO auspices in 1951 to study the uses of vernacular languages in education. Here is their consensus: "It is axiomatic that the best medium of teaching a child is his mother tongue. Psychologically it is the system of meaningful signs that in his mind work automatically for expression and understanding. Sociologically, it is a means of identification among the members of the community to which he belongs. Educationally, he learns more quickly through it than through an unfamiliar linguistic medium."[5]

The experience of some Indians in Latin America at one time speaking only their tribal language proves very instructive in this regard. Those who were taught Spanish or Portuguese without first mastering the basic skills of reading and writing in their native tongues went on to record apalling statistics of social maladjustment. In contrast, those who

were fortunate enough to have their native tongues reduced to writing by lingustic anthropologists (notably missionaries known as the Wycliff Translators), and then taught to read in a script corresponding to the sounds inherited from their ancestors, had little or no problem learning the national tongue. Their psychological and social adjustments were remarkably favorable. The crucial difference in experience is not hard to explain. When people are denied the continued use of their language, they are also denied their personhood, their history, their memories. One cannot adequately decipher the meaning of his reality through the mute subtitles of someone else's tongue. The foreign tongue ceases to be foreign only when it is filtered through the familiar sounds and signs of one's own.

Here is the logical point to deal with the misconception that the low educational achievement of Mexican-Americans is attributable to their retention of Spanish. There is no denying that the group has the lowest index of school years completed in the entire nation. Their dropout rate of 80% with respect to high school completion is the highest in the country. Earlier in this paper we reviewed the history of animosity to their linguistic and cultural difference - particularly the concerted effort to eradicate Spanish as a functional language in the Southwest. Would not the evidence suggest that their massive educational destitution is directly attributable to the school's failure to capitalize on their bilinguality? Could it not be that the educational process has been so conceived and implemented as to unwittingly penalize the Mexican-American in direct proportion to his attempt to remain bilingual? Could it not be in fact that much of his social maladjustment rather reflects the maladjustment of a society so misguided as to regard a functional second language as a liability instead of an asset, while in the course of such folly inflicting untold psychic, social and economic damage? The irony is that all along the teaching of Spanish as a <u>foreign</u> language was encouraged in high school and colleges when it was too little and too late for either Mexican-Americans

or other Americans. This absurdity was forcefully pointed out to the Special Subcommittee on Bilingual Education of the United States Senate in 1967 by Bruce Gaarder, Chief of Modern Foreign Language Section of the U.S. Office of Education: "It is as if one said it is all right to learn a foreign language if you start so late that you really cannot master it. It is all right for headwaiters, professional performers, and the rich to know foreign languages, but any child in school who already knows one is suspect."[5] By the way, on that occasion Dr. Gaarder also observed that the greatest unfulfilled need for Foreign Service Personnel and Fulbright - Hays lecturers and technical specialists sent abroad was for those able to speak French or Spanish.

The last major misconception is that which assumes retention of a foreign language impedes the Americanization of those who speak it. The misconception, to begin with, implies a sadly provincial view of patriotism as unilingual conformity. The nation may have at one time discouraged diversity for the sake of consolidating its youthful existence, but even then the plurality of its origins was regarded as the genius of its universality. The melting pot has been proven more myth than reality. The country is richer for its failure. More visionary patriots have favored such imagery as a "mosaic of minorities" or the "symphony of mankind" to denote the blend of peoples and languages from all over the world which undergird the American Dream. No country in history has ever attained more far-flung influence on the face of the earth through the presence of its citizens and institutions. In the light of the country' s multicultural genesis, multiethnic population, and multinational commitments, loyalty to it may well require a repudiation of its long held contradiction of unilinguality. A more cosmopolitan view of the national experience to date suggests that bilingualism is a minimum requirement for true Americanhood. Texas is fortunate to provide a natural laboratory to put these notions to the test. Our neighborhood with Mexico and Latin

America makes the need to test ourselves successfully . a matter of hemispheric responsibility. Let us not forget that by the time this year' s first-graders are in their middle thirties, English will have become a minority language in the hemisphere. Native speakers of Spanish and Portuguese together will number roughly twice as many as those who will be native speakers of English. Spanish surnamed U.S. citizens will then number approximately twenty million, of whom about four million will be Texans.

If the evidence produced, the statistics quoted, and the arguments marshalled thus far are in any way credible, we can no longer waste time arguing whether bilingualism is a sound educational concept for all children in this state, whether their mother tongue is English, Spanish, Czech or German. Of course, the need for such education is greatest among children for whom English is not native. There, the backlog of educational dereliction requires urgent and massive corrective measures.

Psychologists agree that more than half of the growth of intelligence in an individual' s lifetime occurs prior to the age when children normally begin school. We are, then, talking about an ambitious undertaking which goes much farther than our traditional school time tables. Ideally bilingual education should begin no later than the third birthday of a child and extend as much as possible beyond the end of the present sixth grade. We are also talking about monumental tasks of specialized teacher training, development of new teaching tools, expansion of in-service programs, and considerable expenditure of additional resources. The Texas Bilingual Education Act appropriated no fresh monies for its implementation. It assumed the use of federal appropriations. Nevertheless, the Texas Education Agency has created the Division of International and Bilingual Education under the able direction of Dr. Severo Gómez as Assistant Commissioner of Education. The Bilingual Education Act of

January 2, 1968 authorized fifteen million dollars for all the nation for the fiscal year ending June 30, 1968. Actually no appropriation was made until the year ending June 30, 1969. Even then, of the authorized thirty million dollars, only ten was appropriated nationally, of which Texas received only two. For the present fiscal year of 1970 - 71, our state will share only four million of the total national appropriation. These amounts are obviously inadequate. In 1969 - 70 only 10,003 Texas students could benefit from the national Bilingual Education Act appropriation. For the year 1970 - 71, the beneficiaries nearly doubled to 20,000. Even then, they continued to be almost exclusively Mexican-American, out of a total potential Mexican-American elementary and secondary school constituency of some 600,000! The challenge of supplementing the national appropriation is even more staggering if bilingual education is to be made available to the total Texas primary and secondary school population numbering in 1970 some three million. Since we have couched the concept of bilingualism in the context of fraternity, it is not unfitting to remember the Biblical word, "For where your treasure is there will your heart be also."

This writer happens to be one of those fortunate bilinguals educated by Church institutions. Across his twenty-three years of intimate knowledge of Texas, he has learned that its resourcefulness, often expressed in ingenious practices of prejudice, is even more ingenious in its practice of fraternity - and that it is willing to pay the price of any challenge if it is convinced of its worth. Let us hope it will no longer be dubious about the rich dividends of bilingualism as education for fraternity.

NOTES

1. Spanish Surnamed Employment in the Southwest. A Study Prepared for the Colorado Civil Rights Commission under the Auspices of the Equal Employment Opportunity Commission. U.S. Government Printing Office. Washington, D.C. 20402. 1970.

2. The Invisible Minority - National Education Association. Washington, D.C. 20036. 1966. It cites a study conducted in San Antonio among six hundred Mexican-American adults to ascertain the persistence of Spanish. 71% of husbands and wives spoke only Spanish to each other. Among the grandparents, 94% spoke only Spanish to their children and 89% spoke only Spanish to their grandchildren.

3. House Concurrent Resolution 105. May 6, 1943.

4. "Draft Guidelines to the Bilingual Education Program under Title VII Elementary and Secondary Education Act of 1965 as Amended in 1967." Cited in Theodore Andersson and Mildred Boyer, Bilingual Schooling in the United States. Austin: Southwest Educational Development Laboratory. 1970. Vol. I, p. 19. (The most comprehensive monograph on bilingual education both in the United States and other parts of the world. Two volumes obtainable from the U.S. Government Printing Office. Washington, D.C. 20402).

5. Cited by Theodore Andersson in "Bilingual Schooling: Oasis or Mirage?" Hispania. Vol. L11, No. 1, March, 1969.

6. Hearings on Senate Bill #428. Part I. May, 1967. p. 50. U.S. Government Printing Office. Washington, D.C. 20402. (These Hearings consist of Part I and II bound separately, and contain a wealth of information gathered as supportive evidence to the Bilingual Education Act passed January 2, 1968).

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BILINGUAL EDUCATION ACT

Title VII, Elementary and Secondary Education Act of 1965
As Amended in 1967
Public Law 90 - 247, January 2, 1968

SHORT TITLE

Sec. 701. This title may be cited as the "Bilingual Education Act."

DECLARATION OF POLICY

Sec. 702. In recognition of the special educational needs of the large number of children of limited English-speaking ability in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out new and imaginative elementary and secondary school programs designed to meet these special educational needs. For the purposes of this title, "children of limited English-speaking ability" means children who come from environments where the dominant language is other than English.

(20 U.S.C. 880b) Enacted Jan. 2, 1968, P.L. 90-247, Title VII, sec. 702, 81 Stat.816

AUTHORIZATION AND DISTRIBUTION OF FUNDS

Sec. 703. (a) For the purposes of making grants under this title, there is authorized to be appropriated the sum of $15,000,000 for the fiscal year ending June 30, 1968. $30,000,000 for the fiscal year ending June 30, 1969, and $40,000,000 for the fiscal year ending June 30, 1970.

(b) In determining distribution of funds under this title, the Commissioner shall give highest priority to States and areas within States having the greatest need for programs pursuant to this title. Such priorities shall take into consideration the number of children of limited English-speaking ability between the ages of three and eighteen in each State.

(20 U.S.C.800b-1) Enacted Jan. 2, 1968, P.L. 90-247, Title VII, sec. 702, 81 Stat.

USE OF FEDERAL FUNDS

Sec. 704. Grants under this title bay be used, in accordance with applications approved under section 705, for -

(a)planning for and taking other steps leading to the development of programs designed to meet the special educational needs of children of limited English-speaking ability in schools having a high concentration of such children from families (A) with incomes below $3,000 per year, or (B) receiving payments under a program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, including research projects, pilot projects designed to test the effectiveness of plans so developed, and the development and dissemination of special instructional materials for use in bilingual education programs; and

(b)providing preservice training designed to prepare persons to participate in bilingual education programs as teachers, teacher-aides, or other ancillary education personnel such as counselors, and inservice training and development programs designed to enable such persons to continue to improve their qualifications while participating in such programs; and

(c)the establishment, maintenance, and operation of programs, including acquisition of necessary teaching materials and equipment, designed to meet the special educational needs of children of limited English-speaking ability in schools having a high concentration of such children from families (A) with incomes below $3,000 per year, or (B) receiving payments under a program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, through activities such as -

(1) bilingual education programs;

(2) programs designed to impart to students a knowledge of the history and culture associated with their languages;

(3) efforts to establish closer cooperation between the school and the home;

(4) early childhood educational programs related to the purposes of this title and designed to improve the potential for profitable learning activities by children;

(5) adult education programs related to the purposes of this title, particularly for parents of children participating in bilingual programs;

(6) programs designed for dropouts or potential dropouts having need of bilingual programs;

(7) programs conducted by accredited trade, vocational, or technical schools; and

(8) other activities which meet the purposes of this title.

(20 U.S.C. 880b) Enacted Jan. 2, 1968, P.L. 90 - 147, Title VII, sec. 702, 81 Stat.816

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

Sec. 705. (a) A grant under this title may be made to a local educational agency or agencies, or to an institution of higher education applying jointly with a local educational agency, upon application to the Commissioner at such time or times, in such manner and containing or accompanied by such information as the Commissioner deems necessary. Such application shall:

(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out the purpose set forth in section 704 and provided for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) set forth a program of such size, scope, and design as will make a substantial step toward achieving the purpose of this title;

(4) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of funds (including funds made available under Title I of this Act) that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 704, and in no case supplant such funds;

(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title;

(6) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extend to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

(7) provide assurance that provision has been made for the participation in the project of those children of limited English-speaking ability who are not enrolled on a full-time basis; and

(8) provide that the applicant will utilize in programs assisted pursuant to this title the assistance of persons with expertise in the educational problems of children of limited English-speaking ability and make optimum use in such programs of the cultural and educational resources of the area to be served; and for the purpose of this paragraph, the term "cultural and educational resources" includes State educational agencies, institutions of higher education, non-profit private schools, public and non-profit agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources.

(b) Applications for grants under title may be approved by the Commissioner only if -

(1) the application meets the requirements set forth in subsection (a);

(2) the program set forth in the application is consistent with the criteria established by the Commissioner (where feasible, in cooperation with the State educational agency) for the purpose of achieving an equitable distribution of assistance under this title within each State, which criteria shall be developed by him on the basis of a consideration of (A) the geographic distribution of children of limited English-speaking ability, (B) the relative need of persons in different geographic areas within the State for the kinds of services and activities described in paragraph (c) of section 704, and (C) the relative ability of particular local educational agencies within the State to provide those services and activities;

(3) The Commissioner determines (A) that the program will utilize the best available talents and resources and will substantially increase the educational opportunities for children of limited English-speaking ability in the area to be served by the applicant, and (B) that, to the extent consistent with the number of children in nonprofit private schools

in the area to be served whose educational needs are of the type which this program is intended to meet, provision has been made for participation of such children; and

(4) the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

(20 U.S.C. 880b-3) Enacted Jan. 2, 1968, P.L. 90-247, Title VII, sec. 702, 81 Stat.

PAYMENTS

Sec. 706. (a) The Commissioner shall pay to each applicant which has an application approved under this title an amount equal to the total sum expended by the applicant under the application for the purposes set forth therein.

(b) Payments under this title may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(29 U.S.C. 880b-4) Enacted Jan. 2, 1968, P.L. 90 - 247, Title VII, sec. 702, 81 Stat.

ADVISORY COMMITTEE

Sec. 707. (a) The Commissioner shall establish in the Office of Education and Advisory Committee on the Education of Bilingual Children, consisting of nine members appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary. The Commissioner shall appoint one such member as Chairman. At least four of the members of the Advisory Committee shall be educators experienced in dealing with the educational problems of children whose native tongue is a language other than English.

(b) The Advisory Committee shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the development of criteria for approval of applications thereunder. The Commissioner may appoint such special advisory and technical experts and consultants as may be useful and necessary in carrying out the functions of the Advisory Committee.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(20 U.S.C. 880b-8) Enacted Jan. 2, 1968, P.L. 90-247, Title VII, sec. 702, 81 Stat. 819.

LABOR STANDARDS

Sec. 708. All laborers and mechanics employed by contractors or subcontractors on all minor remodeling projects assisted under this title shall be paid wages at rates not less than those prevailing on similar minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a - 276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Number 14 of 1950 and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(20 U.S.C. 880-6) Enacted Jan. 2, 1968, P.L. 90-247, Title VII, Sec. 702, 81 Stat. 819.

Appendix B

61ST LEGISLATURE OF THE STATE OF TEXAS

REGULAR SESSION

EDUCATION - BASIC LANGUAGE - BILINGUAL INSTRUCTION

CHAPTER 289

H.B. No. 103

An Act requiring that English shall be the basic language of instruction in all grade schools; providing the governing body of the school district or school may determine when, in which grades or classes, and circumstances instruction may be given bilingually; declaring state policy on bilingual instruction; requiring Texas Education Agency approval for bilingual instruction above the sixth grade; amending Subdivision 1 or Article 2893, Revised Civil Statutes of Texas, 1925; repealing Article 288, Penal Code of Texas, 1925, as amended; repealing Article 298, Penal Code of Texas, 1925, as amended; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1.[68] English shall be the basic language of instruction in all schools. The governing board of any school district and any private or parochial school may determine when, in which grades, and under what circumstances instruction may be given bilingually.

Section 2.[69] It is the policy of this state to insure the mastery of English by all pupils in the schools; provided that bilingual instruction may be offered or permitted in the situations when such instruction is educationally advantageous to the pupils. Such bilingual instruction may not be offered or permitted above the sixth grade without the express approval by the Texas Education Agency, which approval shall be granted on a three-year basis subject to reapproval at the end of that time.

Section 3. Subdivision 1, Article 2893, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 504, Acts of the 59th Legislature, Regular Session, 1965, is hereby amended[70] to read as follows:

"Article 2893. Exemptions

"The following classes of children are exempt from the requirements of this law:

"1. Any child in attendance upon a private or parochial school which shall include in its course a study of good citizenship.

"2. Any child whose bodily or mental condition is such as to render attendance inadvisable, and who holds definite certificate of a reputable physician specifying this condition and covering the period of absence.

"3. Any child who is blind, dumb or feebleminded, for the instruction of whom no adequate provision has been made by the school district.

"4. Any child living more than two and one-half miles by direct and traveled road from the nearest public school supported for the children of the same race and color of such child and with no free transportation provided.

"5. Any child more than seventeen (17) years of age who has satisfactorily completed the work of the ninth grade, and whose services are needed in support of a parent or other person standing in parental relationship to the child, may, on presentation of proper evidence to the county superintendent, be exempted from further attendance at school."

Section 4. Article 288, Penal Code of Texas, 1925, as amended by Chapter 125, Acts of the 43rd Legislature, Regular Session, 1933, and Article 298, Penal Code of Texas, 1925, are hereby repealed. [71]

Section 5. The fact that instruction in the earlier years which includes the use of language the child understands makes learning easier; and the further fact that in this highly technical and scientific world where transportation and communication have literally reduced the size of the world, knowledge of languages and understandings of other peoples and where in this hemisphere Spanish is spoken by as many people as speak English, a second language becomes vitally important, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 10, 1969: Yeas 142, Nay 0; and that the House concurred in Senate amendments to H.B. No. 103 on May 7, 1969: Yeas 142, Nays 0; passed by the Senate, as amended, on May 7, 1969: Yeas 31, Nays 0.

Approved May 22, 1969.
Effective May 22, 1969.

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68. Vernon's Ann. Civ. St. art. 2654 - 1d, § 1.
69. Vernon's Ann. Civ. St. art. 2654 - 1d, § 1.
70. Vernon's Ann. Civ. St. art. 2893